

**Remarks**

The final Office Action is respectfully traversed.

With respect to the Ampofo-95 reference, the Office Action asserts “Ampofo provides the now claimed compacted particles.” Applicants respectfully traverse. Compacted particles are not seen in Ampofo, nor would Ampofo provide any guidance or reason to prepare compacted particles. Although Ampofo makes a general reference to “spent grain,” the spent grain used therein evidently as used as a growth medium. See page 419.

With respect to the Munson reference, spent corn germ is not taught therein, nor is there a teaching of a control agent that is “sorbed within” a spent corn germ sorbent. It is apparent that the binder of Munson is used to coat insecticide onto a germ substrate. Indeed, Munson’s claim 1 explicitly states that the binder has “homogenously distributed therein” the insecticide and the grain germ. See also column 7, line 22 (referring to the formation of a “homogenous mixture of finely divided particles of insecticide and corn germ”). Munson does not recognize that spent grain germ may be used as a sorbent.

Finally, the section 103 rejection is improper. Ampofo is directed towards the use of organic materials as substrate for a production of bacteria, not as insecticidal baits. Because of the disparate uses of grain substrate in Ampofo and Munson, no person of ordinary skill in the art would be motivated to combine the teachings of these references. The section 103 rejection relies on improper application of hindsight, and should be withdrawn.

Respectfully submitted,

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By: \_\_\_\_\_

Allen E. Hoover  
Registration No. 37,354  
Banner & Witcoff, LTD.  
10 S. Wacker Drive  
Suite 3000  
Chicago, IL 60606  
Tel. (312)463-5000  
Fax (312)463-5001